G. R. S. IX-5]

*Previous references.*

File No. 160 - 16

Serial Nos. 1 S—

1916.

( Allygrai )

*Later references.*

Mis 1460 - 22 - 5 - 18

D 5 11

Allygrai 1-S

# GENERAL AND REVENUE SECRETARIAT.

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*Serial Nos.* 1 S—

Part B for Nov 1917

---

SUBJECT.

Procession of Ramaswara otherwise known as Siddaswara Idol at Ramagiri in the Hirekal Kere Dg n

---

D° Chitaldroog no 1135 - 16-11-17

Forwd a copy of Go. allowing either of the Parties to arrange to bring its own Anga without Prejudice the visit of the other Party and directs the Local authorities to so arrange on occasion that all chances of collision between the parties are minimised as far as possible

To the Appellant & Respondents per post 17

Order no 1136 & 378 6-11-17

Allygrai.

W D 83—GPB—50,000—24-7-16

All D. 384 1, 8

G. R. S. 111 1916.

GENERAL AND REVENUE SECRETARIAT

( Muzrai )

NOTES.

File No. 160/1916

FILE HEADING.

Procession of Rameswara otherwise known as Siddeswara idol at Ramagiri in the Holalkere Taluk

From

Mahadevappa and two other Dharmadarsis.

~~No.~~ Petition Dated 28-8-16 Received 28-8-1916

| Diary No. 407 | Enclos. 5 | Spare Copies. — | Serial No. 1 |
|---|---|---|---|

BRIEF ABSTRACT OF LETTER.

Appeal against the Dy. Commr's order directing that ~~only~~ only the pujari should officiate during the procession of god and other functions, and excluding Ayyas (either Banajagar or Sadar) from interference in the Temple or in the processions connected therewith.

NOTES AND ORDERS.

7/ The appeal petition is duly stamped & the appeal is within time - It may be admitted.

9/ The Dy. Commr's. order appealed against explains the facts of the case. In the matter

NOTES—First Sheet.

GPB—20,000 8-5-14

G. R. S. 12]

General and Revenue Secretariat.

File No. 160 of 1916.

Serial No.

of the processional dispute relating to Ramswara Temple refd. to, the Dy. Commr. with a view to avoid the misunderstanding between the Banajigas (appts) and the Sudars (respondents), directing that all Ayyas not to be excluded from interference in the Temple or in the processions connected therewith, and that the pujari alone should officiate at the functions.

3) Against this order, Mahadevappa and 2 other Dharmadarsis have appealed to Govt. - the grounds for appeal are summarized in the petition. They pray that pending disposal of the appeal, the execution of the Dy. Commrs. order may be stayed, and that on a perusal of the records, the Dy. Commrs. order may be set aside, and the contending parties may be left to have the points in dispute settled by themselves or through Civil Court.

Submitted for order.

W Lyon
5-9-16.

8/9/16

The Dt Commrs order is in the interests of peace and does not appear to be

NOTE—Contn. sheet.

(1) 3 75 000—17 12 15

G. R. S. 12]

General and Revenue Secretariat. | File No. 160 of 1916.

Serial No.

prima facie warranted. No case has been made out for a stay order.

5) The records may be called for and the case posted for hearing. The order is sufficiently explanatory

29/21.9. (Mr. Member) lee 19.9.16

No stay order is necessary. The records may be called for. A date in Nov. will be given after receipt of records. If there are three cases to be heard, the may post them also to the same date

22/9 lee 20/9

Draft. Note the dates. Prepare cause list.

Recd at 5 10 p.m. lee 23-9-16

Submitted. Writ of C for appl

JWDW 25-9-16 amm 25/9/16

appd lee 25-9-16

2 No 976 dt 27.9.16, Dy Const of Chitaldroog, for the above & calls for a report together with connected records.

NOTE—Contn sheet

G. R. S. 12]

General and Revenue Secretariat. | File No. 160 of 1916.

Serial No.

No 777 Dt 27-9-16, to the petr
informs the above.

(3) From, the Dy Commr, Chitaldrug Dist
Letter no 147 Dt 18-10-1916
Submits the Vernacular records
connected with the case together with
his order no. 1641 Dt 15th June 1916.
The Dy Commr's order explains the
facts of the case.
Maybe case ~~to~~ be posted for
hearing as directed by the Member
Submitted.
M Qld
23 10 1916.

(The date will be ascertained
and fixed separately with
reference to the posting up of
Rev. appeals)

Submitted with notices
M Qld
6.11.16

Aff
6 11 16

It is not clear from the
records what the Asst actually
does in the Conduct of the Workshop
It is hoped said by me after enti-
mates that he is the Agamik of the

NOTE—Contn. sheet

(PL 7000) 1712

Serial No.

temple but. An ajanick is a temple servant and actually officiates at temple ceremonies. It does not appear that the Aiya does this or for that matter in what respect his presence during worship or otherwise is indispensable.

The temple is a Muzrai institution and there is nothing to show that it is intended for the spiritual benefit of any particular class or classes. It stands to reason that the devotees should not be made ~~not~~ to offer worship through any particular individual who is not actually the Pujari himself.

The case is on all fours with that of the Basavanna's temple at Hadikere in Tarikere Taluk. In that case the dispute was between the disciples of Balehalli Mate and Sadan and it was ordered that each class may have its own Aiya at the time of worship and that in the interests of public peace the local authorities may fix specified days and times for each class.

(0-4-0) Rs 24-6-(1924)

NOTE—Contn. sheet

GPL—70 000—17 12 15

G. R. S. 12]

General and Revenue Secretariat. | File No. 160 of 1916.

Serial No.

Practically the D2 comm's orders will amount to the same thing as there is nothing to prevent any party of devotees taking their own spiritual leaders to the temple with them, while offering any particular worship. The management and conduct after worship will however be solely under the control of the temple servants and Dharmadarsi

Lee
16.11.16

Mr. D.M. Ramachandra Rao advocate for the appellant is absent from the station being engaged in the Sessions at Kolar. At his request the case is adjd. to the 20th inst. for hearing

Lee
20.11.16
posting the case to 2-3-1917

Submd. with D.R. Notices to
NRW
2-2-1917
2/5

5/2/17 Upd
Lee
6.2.17

Owing to the Sessions Mr Ramachandra Rao

NOTE—Contn. sheet.

GPB—70,000—17.12.15

G. R. S. 12]

General and Revenue Secretariat. | File No. 160 of 1916

Serial No.

is again absent - and prays for an adjt. The case will be adjd to the IVth week of April. Date will be intimated later on

hs
2. 3. 17

1646 4 Petition received on 28th Feby. 1917 from Vadiq Vanjundiah on behalf of the residents of Ramagiri and the adjoining villages stating that Ramalingeswara idol is Parasurama Avatara Murti, that the local enquiry will go to show that formerly only Pujaris were officiating at the Temple functions, that Ayyas had nothing to do with the Temple, and that people of all castes are its Servants etc., is placed on the file.

Submitted.

W Ord 5-3-1917 and Put. with the next. 5/3/17

Later years.

hs
6. 3. 17

Notices to 10th April Gulbarga

Mr. Ramachandra also present. Mr. M. G. Varadachar for respts. is absent and prays for an adjt. Case is adjd. Date will be intimated later on.

hs
14. 4. 17

NOTE—Contn. sheet.

GPD 70 000—17 12 15

WD 1238—GPB—60,000—1-12-16—S.

S. III-2]

General and Revenue Secretariat.

File No. 160 of 1916

Serial No.

Subsd. with Dft. Notices & Tue 13th July.

W (S4)
20.6.17

Appa
28
20/6/17

Both the Apltts and respts were present in person and the apltts & respts represented by their Advocates messrs D.N. Ramachandra Rao and M. G. Varadachar. The case heard by the 1st Member and order reserved.

28
13/7/17.

293
21.7

NOTE—Contn. sheet.

WD 1236—GPB—60,000—1-12-16—S.

III-2]

eral and Revenue Secretariat.

File No. 160 of 1916

Serial No.

Affl-204 of 1916-17 Hang. Fil. 140160 1916

# Order

This Case is on all fours with that of the Reverend Samuel Hutchison whose in Jullundur which decided by me in Order No 4007 Hang. 232-01 of 24th June 1904 and re-applied in 1906 & 1910. The arrangements adopted in that order should have been found to be working without any hitch in that Samples, there is no reason why a similar arrangement should not expected to work in the case of the Samples in question also, equally well.

It may not be difficult for the local authorities to so arrange the occasions on which each party works & being absent from Hyde Park all chances of a collision between the two may be removed in fact in practice, of such disputes occurred. It does not seem unreasonable & equitable that because one party objects & the premises of the Hyde Park should be closed to both parties, both parties of them should be deprived of the benefit of the [illegible]

NOTE—Contn. sheet.

Genera and Secretariat.

File No: 160 of 1916.

Serial No.

This does not mean that ... [illegible] ... the ... [illegible] ... Court ... [illegible] ... the appeal ... [illegible]

13/10/17

18.10.17

18/10/17

Submitted with Dfts for appl

M(93) 8-11-1917

9.11.17

9.11.17

Secy)

Secy

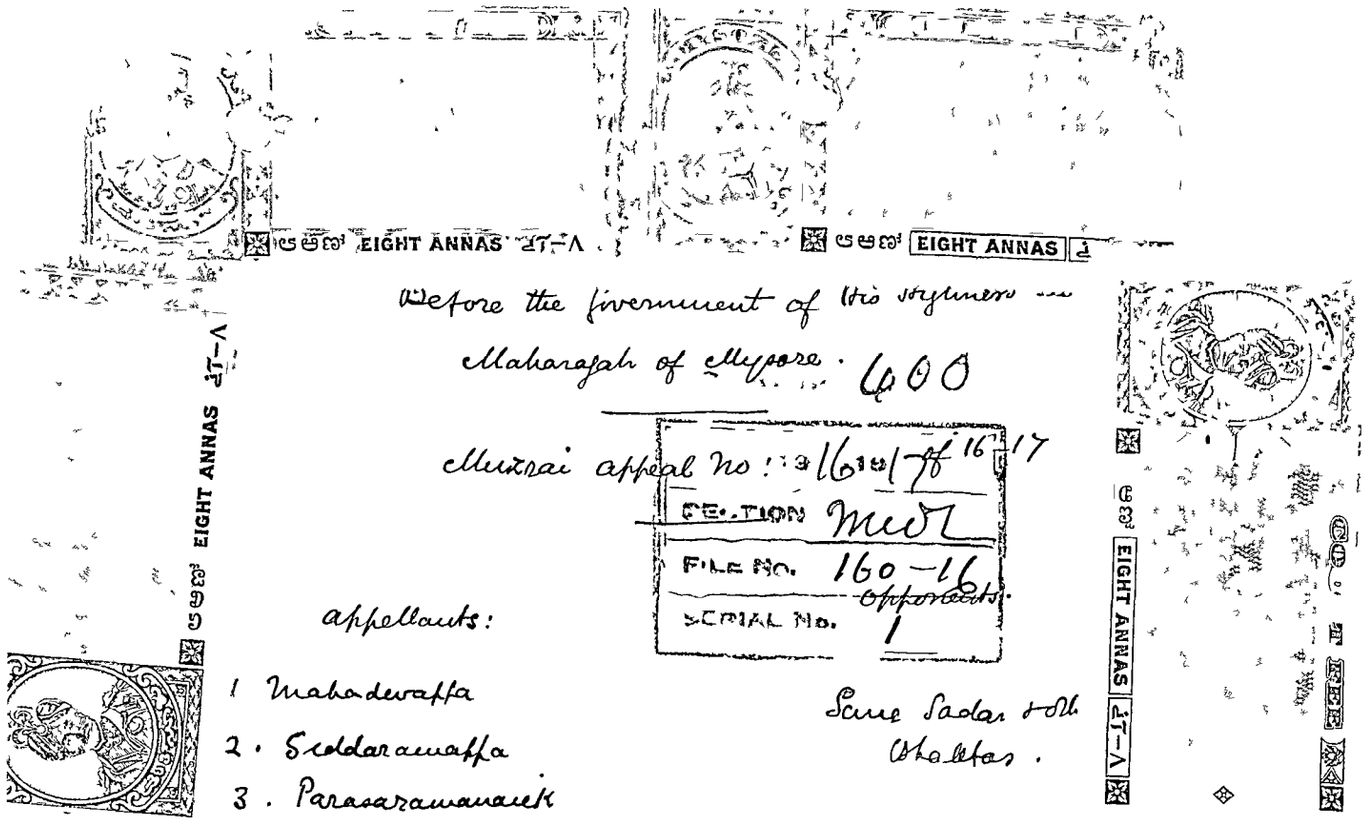
9.11.17

10.11.17.

5 No: 1135 dt 16.11.17, to Dy Chief Drug Dist, to apply to the S.C., allowing either of the party to arrange to bring its own steps without prejudice to the right of the other party & directs the local authorities to arrange the occasion that all chances of collision between the parties are minimised as far as possible - No 1136 dt 16.11.17 - Reference - to the appeal & the Relief [illegible] of the above ... &c. -

NOTE—Contn sheet.

GPB—60,000—7 11-15



Before the Government of His Highness the
Maharajah of Mysore. 600

Murzai appeal No: 3161 of 16/17

PETITION Murl

FILE NO. 160-16

SERIAL No. 1

appellants:

1 Mahadevaffa
2. Siddaramaffa
3. Parasaramanaik

Sans Sadar Adh
Chalkas.

1st XII. Dec
Head Clerk
Dec
29.8.16

Request is for Rs.

Under Section 21 of Regulation VII of 1913, the appellants beg to prefer this memorandum of appeal from the order of the Deputy Commissioner and Murzai officer of Chitaldroog, no number, dated the 15th of June 1916 on the following grounds: ——

1. That the learned Murzai officer had no jurisdiction to pass a decision on the second and third points of contention, and his decision is therefore ultra vires for: ——

(a) Section 32 of the Regulation distinctly refers to a dispute about the office of a Pujari or other temple servant, and the subsequent sections of Chapter IV provide only for succession to such office

(b) that the Regulation does not appear to contemplate Regulating customary observances and the right of certain persons to take part in them

(c) that there is no bar of jurisdiction for Civil Courts to decide such points of contention as provided for by Section 38 of the Regulation

(d) that the whole enquiry started apparently under Sections 8 and 9 of the Regulation and these Sections have nothing to do with the above points of Contention

2. That even assuming that the learned Murzai officer had

jurisdiction to decide these points, his decision is erroneous for the following reasons: ——

(a) That admittedly the Banijagar Community form the majority of the devotees of the Temple and they assert that the Ayya presides at ceremonial functions from time immemorial. The objection to this has proceeded from a minority of the devotees and it is submitted that, under these circumstances, the Murrai officer had no power to order discontinuance of such a custom (Vide Section 36 of the Regulation):

(b) That the learned Murrai officer is incorrect in stating that the presence of an Ayya is not necessary for the question is not whether there is any necessity for Ayyas to preside but it is whether they have been from time immemorial presiding as a matter of fact at such ceremonial occasions and whether the majority of the devotees have acquiesced in their so doing.

(c) That if the Murrai officer's observations are construed to mean that he does not believe that there is any such customary right possessed by the Ayyas, then his observations are not supported by the evidence on record, and no reasons have been advanced to impeach the ~~evidence of~~ positive and overwhelming evidence against it on the side of the Banijagars.

(d) That the evidence on the side of the respondents is vague, interested, and opposed to the ~~evidence~~ observance of the majority of devotees

(e) That the reason given by the Murrai officer that people of all castes are devotees of the temple is not relevant to the points in dispute

(f) That the precedent quoted by him is entirely beside the point. The precedent relates to a different temple altogether belonging to a different Taluk, and it is not shown that such customary observances are general to all temples.

The precedent besides is a decision passed apparently by a District Magistrate and not by a Murrai officer. The approval of Government of that decision does not mean that Government intended to pass such an order in the Murrai Department.

(g) that it is humbly submitted that expediency and administrative reasons cannot outweigh the right possessed by persons from time immemorial.

(h) that if precedents are required in support of the contention of the appellants, the enclosed records will amply afford such.

(i) that the whole evidence in the inquiry cannot but convince one that the dispute under consideration is solely due to the factions in the Lingayat Community and is not one brought from bona fide motives.

3. The appellants humbly beg to submit that the decision under appeal has revolutionised the usual worship in the temple and has caused wide pain and dissatisfaction to the majority of the devotees; and has further prevented the worship of the Deity as it cannot be done in the absence of the Pujaris.

4. It is therefore humbly submitted that Government will be graciously pleased to stay execution of the order pending the disposal of this appeal, and to direct that mamool be observed till then.

5. The appellants further humbly pray that Government will be pleased to set aside the decision under appeal and direct that mamool be observed as usual and leave the contending parties to have the points in dispute settled by themselves or through Civil Courts.

ಮೇಲಿನ ವಿಷಯವನ್ನು ನಿವೇದಿಸಿಕೊಳ್ಳುವವರು
ಅಪ್ಪಣ್ಣಾಚಾರ್ಯ ಮಲ್ಲಿಕಾರ್ಜುನ
ಅಲ್ಲಮಪ್ರಭು ಬಸವಲಿಂಗ
ಮತ್ತು ನಿವೇದಕರು

Devanaboodlam
Advocate, Bangalore City
28/8/16

No.1641.

Re the conduct of worship in Rameswara or Siddeswara temple at Ramagiri.

O R D E R.

This enquiry relates to the temple at Ramagiri in the Holalkere Taluk the diety in which is known as Rameswara or Siddeswara.

In September 1913, certain residents of Ramagiri presented a petition to the Amildar in which they alleged that there was a dispute between two parties in the village and requested the Amildar to take steps to prevent any misappropriation of the jewels and other properties of the temple.

On the requisition of the Amildar Kasthurirangappa Naik who had custody of the properties declined to produce them at the Taluk office but offered to produce them for inspection at Ramagiri itself.

On 25th September 1913, Kasthurirangappa Naik and another petitioned the Sub Division Officer complaining against the action taken by the Amildar and alleging (1) that the institution was not a Murgi institution (2) that the devotees of the temple were the disciples of the Murgi Mutt and the disciples of Sirigere Mutt (Sadu Lingayats as they are called) had nothing to do with the temple. This petition was sent to the Amildar for report.

On the 1st December 1913 certain devotees of the temple presented a petition to the Deputy Commissioner in which they alleged that the temple was endowed with Inam lands and was under the management of Dharmadarsees appointed by Government, that the temple possessed a large amount of property in the shape of jewels &c., that the devotees of the temple belonged not to one caste but to several castes, that the devotees used to take the God in procession to their houses to perform their certain vows, that for some time past Kasthurirangappa Naik, one of the Dharmadarsees and certain others were preventing people other than Banajiga Lingayats, disciples of Murgi Mutt, from performing pooja, that they insisted on the Ayya of Murgi Mutt officiating at the car and processions &c., and that they were declining to account properly for the property &c., of the temple. This petition was sent to the Sub Division

Officer for enquiry and report.

In another petition dated 4th December 1913 addressed to the Sub Division Officer by Mutchoo Rao and Karibasappa two Dharmadarsees of the temple, in addition to the allegation about Kasthurirangappa Naik's management of the temple affairs, it was stated that a "Gaddigey" of one Karisiddaswami had been erected behind the Moolavigraha and that that was objectionable to the devotees of the temple who were not Lingayats.

The Assistant Commissioner, Davangere Sub Division has conducted an elaborate enquiry and examined several witnesses produced by both parties. After the receipt of his report the parties concerned were heard by Messrs V. R. Thyagaraja Iyer and Venkata Rao, then Deputy Commissioners and also by myself.

The chief points for decision in this case are:-

(1) Whether the temple is a Muzrai institution or not;

(2) Whether in the processions of the God, the Ayya of either party should go with the procession;

(3) Whether the Ayya of the Banajiger Lingayats should be allowed to officiate at the Oottsavams and worship in the temple and finally

(4) What arrangements should be made for the proper management of the temple affairs, custody of property and maintenance of accounts.

In regard to the 1st point it is clear from the Amildar's report dated 10th October 1913 that the temple is endowed with inam lands for puja and Nandadipam, that Government authorities have on previous occasions viz 1878-79 and 1886 examined and made lists of the properties of the temple and taken sureties in respect of temple properties left with Kasturirangappa Naik. It is therefore clear that the temple is a Muzrai institution and the Muzrai Officers are entitled to examine and regulate its affairs from time to time.

Under para 1 of the rules relating to Dharmadarsees of Muzrai institutions issued with Government order No.2144-53/Muz.121-05-11 dated the 20th February 1910, five Dharmadarsees have been appointed to this temple for a period of 5 years from March 1913. It is however clear that the Dharmadarsees did not all act together in a corporate capacity and that Kasturirangappa Naik who is now deceased practically

retained the whole management in his own hands.

The next two points are about the presence of the Ayya of the two Lingayat factions and particularly of the presence of the Banajigara Ayya at all functions.

This is the most contentious and contested point. The Banajiga Lingayats who form one faction are disciples of the well known Murgi Mutt at Chitaldrug. The Sadu Lingayats who form the other faction are disciples of the Sirigere Mutt whose Head Quarters are at Sirigere in the Chitaldrug Taluk. There seem to be points of acute difference between these two Mutts and their disciples, but it is unnecessary to enter into these matters. It is sufficient for our purposes to recognise that there is real contention. The Banajiga Lingayats appear to be numerically large among the devotees of the temple, while the Sadu Lingayats are somewhat in a minority. The whole difficulty hinges upon the attempt of the majority to force their Ayya on the minority. A large number of witnesses has been examined on both sides about the presence of the Ayya at worship and other functions at the temple and as might be expected all the witnesses on the Banajiga side support the Banajiga case and all the witnesses on the other side support the contrary allegation.

So far as the pujas and Ootsavams of the temple go, it seems to be clear that no case has been made out that the presence of any Ayya is at all necessary, much less that the Banajiga Ayya should officiate at any of the functions. It is admitted that people of all castes are devotees of the temple and offer vows there and take the God in procession to their houses &c. I consider it the best course to direct that no Ayya should have anything to do with the affairs of the temple. There is precedent for this course. About 1899 there were disputes in regard to the Kalleswara temple at Kallesvarapura in the Jagalur Taluk there two factions of Lingayats supported the claim of their respective Ayyas and it was finally directed by the District Magistrate that the Ayya of neither party was to have a seat on the car and that the Ayyas of both parties were to be excluded from processions and so on. This arrangement was also approved by Government in the Muzrai Department vide endorsement granted to Jogera Kallappa and others No. 848 dated 20 [illegible]

[illegible]

October 1902. It is understood that since this arrange there has been no trouble in that temple. I therefore think that decision to exclude all Ayyas whatsoever from interference in the temple or in the processions connected with the temple is a most salutary, satisfactory and necessary arrangement. This will be given effect to forthwith. This arrangement will permit of all devotees of the temple discharging their vows, taking the God in procession &c., according to usage with only the pujari officiating at such functions.

Finally as regards arrangements for managing the affairs of the temple it is necessary that the Dharmadarsees should be reconstituted suitably, they should be required to keep regular accounts of all receipts and expenditure, that all properties of the temple should be duly accounted for, that jewels and other articles required for constant use only should be left in the custody of the pujari or Dharmadarsees, proper security being taken therefor and that the rest of the property should be kept in custody of Government.

Any moneys lent out should be recovered and suitably invested. The Sub Division Officer will be requested to take steps in this matter.

Camp Mysore.
15-6-1916.

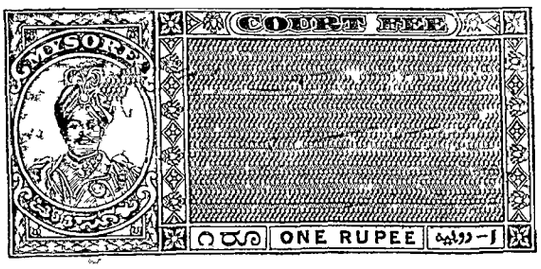
(Sd) C. S. Balasundaram Iyer,
Deputy Commissioner.

"C O P Y."

For Deputy Commissioner,
Chitaldrug District.

S.V.

ONE RUPEE ಒಂದು-೧




ಕೋರ್ಟಿಗೆ.

Thungrai appeal No. 4 of 16-17

19—19 ನೇ ಇಸವಿ ನಂಬರು.

Applicant ವಾದಿ.

Mahadevamma & others

Respondents. ಪ್ರತಿವಾದಿ.

Gurubasappa & others

ಮ॥ ರಾ॥ ಅಡ್ವೊಕೇಟ್, ಸಿ. ಎಸ್. ದೊರಸಾಮಿ ಅಯ್ಯರ್, ಬಿ. ಎ., ಬಿ. ಎಲ್.,
,, ,, ಎಂ. ಜಿ. ವರದಾಚಾರ್, ಬಿ. ಎ., ಬಿ. ಎಲ್., ರವರಿಗೆ.

ಈ ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮ.

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಪೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಮಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಲ್ಲೂ ಅರ್ಜಿ ವಗೈರೆ ಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರೀ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡದುಕೊಂಡು ರಸೀದಿ ಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗಾಗಿ ವಾಪಸು ಆಗುವ ದಾವಾ ಸ್ಟಾಂಪು ಪ್ರೋಸಸ್‌ಸ್ಟಾಂಪು ಸಹಾ ಪಡದುಕೊಳ್ಳುವುದಕ್ಕೂ ಮತ್ತು ನನ್ನ ಬಾಬತು ವಿಶಿಷ್ಟ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ತೆಗದುಕೊಳ್ಳುವುದಕ್ಕೂ ಸಹ, ಈ ಮೂಲಕ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇರುತ್ತೇನೆ. ಈ ವಿಷಯದಲ್ಲಿ ತಾವು ನಡಿಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿ ಇರುವಂತೆ ಒಪ್ಪಲೂ ಇದರಿಂದ ಬದ್ದನಾಗಿ ಇದ್ದೇನೆ.

ತಾರೀಖು.

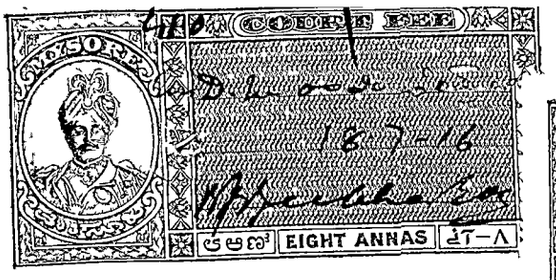
ರುಜು.

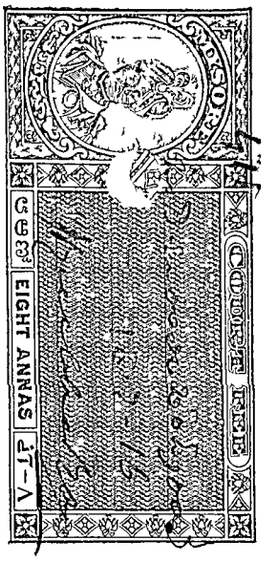
ಈ ಮೊಕ್ತಾರ್‌ನಾಮ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿರುವುದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿ ಇದ್ದೇನೆ.

Advocate

ಈ ಮೊಕ್ತಾರ್‌ನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.

Advocate




ಆಣ್ EIGHT ANNAS ೭೯-೨

ಆಣ್ EIGHT ANNAS ೭೯-೨

Before the Government of His Highness
the Maharajah of Mysore ಕೆ.

— ೧೯೧೧ — ೧೯೧೧ ನೇ. ಇಸವಿ ನಂಬರು
Mysore appeal No of 16-17

ದಾರ್.) ವಾದಿ (ಎದ್ರು ಅರ್ಜಿದಾರ್.) ಪ್ರತಿವಾದಿ

Sadevappa
Adavappa
3. Parameshwarappa

Sree Bhattar &
the Deity

Mr. D. Ramachandrachar B.A., B.L.,
advocate, Bangalore City ಯವರಿಗೆ.

Appellants. ಬರೆಸಿ ಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ತಾವುಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಮೊಕದ್ದಮೆ ನಡೆಸುವದಕ್ಕೂ, ಅರ್ಜಿ ವಗೈರೆ ಕೊಟ್ಟು ವಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಗೂ, ಡಿಕ್ರೀಜಾರೀಕ್ಕೂ ನಡಿಸತಕ್ಕ ಬಗ್ಗೆ ದಸ್ತೈವೇಜುವಗೈರೆ ತೆಗೆದು ಕೊಂಡು ರಶೀದಿ ಕೊಡುವದಕ್ಕೂ. ಕೋರ್ಟಿನಿಂದ ಪಾವಸು ಆಗತಕ್ಕ ದಾ ಸಾಸೆಟ್ಟಂಫೆ ಪ್ರೋಸೆಸೆಸ್ ಸ್ಟ್ಯಾಂಪು ಮತ್ತು ಡಿಕ್ರಿಹಣ ಸಾಪ್ಷಿಭತ್ಯೆ ಇತ್ಯಾದಿ ಇತರವಿಧವಾದ ಎಲ್ಲಾ ಮೊಬ ಲಗು ತೆಗೆದುಕೊಳ್ಳುವದಕ್ಕೂ, ಸಹ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ ಆದ್ದರಿಂದ ಈ ಭಾಗದಲ್ಲಿ ತಾವೇ ಆಗಲಿ ತಮಗೋಸ್ಕರ ಇನ್ಯಾವ ಲಾಯರೇ ಆಗಲಿ ನನಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಲು ಇದರಿಂದ ಬದ್ಧನಾಗಿರುತ್ತೇನೆ.

ತಾರೀಖು ನೇ
೧೯೧೧ ನೇ ಇಸವಿ

ರುಜು ಸಾಕ್ಷಿ ಸಹಿ ಪ್ರತಿವಾದಿಯವರ
ಸಹಿ ತಾಮಪ್ಪದಮ್ಮಪರಶೆ

ಅಂಗೀಕರಿಸಿರುತ್ತೇನೆ

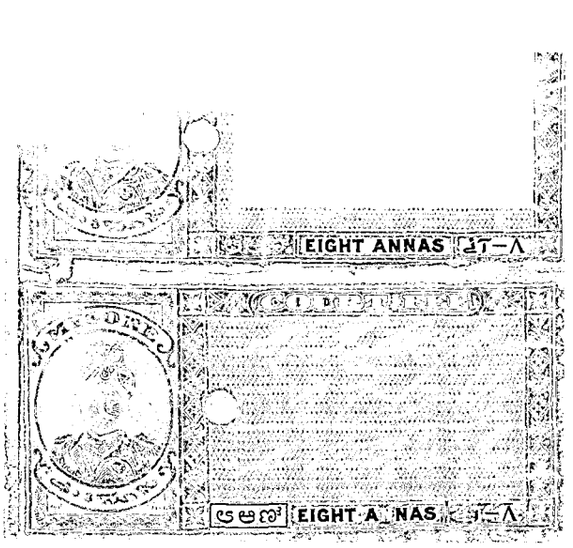
Advocate

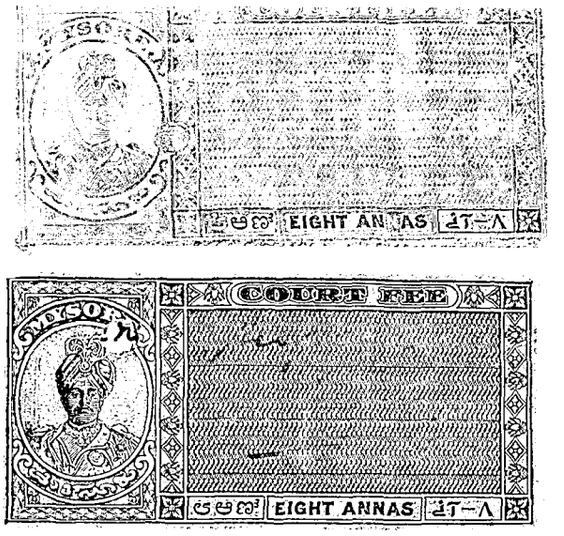
Counsel for

ಈ ಮೊಖ್ತ್ಯಾರ್ ನಾಮೆ ಕೊಟ್ಟವರು ಪರಿಚಯವುಳ್ಳವರು, ನನ್ನ ಸಮಕ್ಷಮ ಇ ದಕ್ಕೆ ರುಜು ಮಾಡಿದ್ದಾರೆ.

ಪಟೇಲ್ ಅಥವ ಶ್ಯಾನಭೋಗ್

ಶ್ರೀ ಧನ್ವಂತರಿ ಪ್ರಿಂಟಿಂಗ್ ಪ್ರೆಸ್, ಶಿವಮೊಗ್ಗ.

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Order

This enquiry relates to the temple at Ramagiri in the Holalkere Taluk the diety in which is known as Ramaswara or Siddesawara

In September 1913 certain residents of Ramagiri presented a petition to the Amildar in which they alleged that there was a dispute between two parties in the village and requested the Amildar to take steps to prevent any misappropriation of the jewels and other properties of the temple.

On the requisition of the Amildar, Kasthuri Rangappa naik who had custody of the properties

declined to produce them at the Taluk office but offered to produce them for inspection at Ramagiri itself.

On 25th September 1913 Kasthuri Rangappa Naik and another petitioned the Sub division Officer complaining against the action taken by the Amildar and alleging (1) that the institution was not a Murgai institution (2) that the devotees of the temple were the disciples of the Murgi Matt and the disciples of Sirigere Matt (Sadar Lingayats as they are called) had nothing to do with the temple. This petition was sent to the Amildar for report.

On the 1st December 1913 certain devotees of the temple presented a petition to the Deputy Commissioner in which they alleged that the temple was endowed with Inam lands and was under the management of Dharmadarsies appointed by Government, that the temple possessed a large amount of property in the shape of jewels &c, that the devotees of the temple belonged not to one caste but to several castes, that the devotees

used

used to take the God in procession to their houses to perform their certain vows, that for some time past Kasthuri Rangappa Naik one of the Dharmadrees, and certain others were preventing people, other than Banajiga Lingayets disciples of Murgi matt from performing Sevas that they insisted on the Appa of Murgi matt officiating at the Sevas and processions &c, and that they were declining to account for the property &c of the Temple. This petition was sent to the Sub division officer for enquiry and report.

In another petition dated 4th December 1913 addressed to the Sub division officer by Hutchoo Rao and Kanibasappa two dharmadrees of the Temple, in addition to the allegation about Kasthuri Rangappa Naik's management of the Temple affairs, it was stated that a 'Gaddigey' of one Karisidda Swami had been Erected behind the Moolavigraha and that, that was objectionable to the devotees of the Temple who were not Lingayets.

The assistant Commissioner Davanagere Sub division has conducted an elaborate enquiry and Examined several witnesses

produced by both parties.

After the receipt of his report the parties concerned were heard by Messrs. Thyagaraja Iyer, and Venkata Rao, then Deputy Commissioners and also by myself.

The chief points for decision in this case are :—

(1) whether the temple is a Mutt or not;

(2) whether in the processions of the god the Ayya of either party should go with the procession,

(3) whether the Ayya of the Banajigar Lingayats should be allowed to officiate at the poojas and worship in the temple and finally,

(4) what arrangement should be made for the proper management of the temple affairs, custody of property and maintenance of accounts.

In regard to the first point, it is clear from the Amildar's report dated 10th ~~December~~ October 1913 that the temple is endowed with (~~Inams~~) Inamlands for puja and Nandadeepam, that Government authorities have on previous occasions, viz 1878-79 and 1886 Examined and made lists of the properties of the temple and taken Securities in respect of temple properties left with Kosthuri Rangappa Naik. It is therefore

clear

clear that the temple is a Murgari institution and that Murgari officers are entitled to examine (2) and regulate its affairs from time to time.

Under para 1 of the Rules relating to Dharmadarsis of Murgari institution, issued with Government order No 2144-53-Mury 121-05 dated the 26th February 1910, five Dharmadarsis have been appointed to this temple for a period of 5 years from march 1913. It is however clear that the Dharmadarsis did not all act together in a corporate capacity and that Kotturi Rangappa Naik who is now deceased, practically retained the whole management in his own hands.

The next two points are about the presence of the Aryyas of the two Lingayat factions particularly of the presence of the Banajigara Aryya at all functions.

This is the most contentious and contested point. The Banajigar Lingayats who form one faction or disciples of the well known Murgimath at Chitaldrug, the Sadar Lingayats who form the other faction are disciples of the Sirigere Math, whose Head Quarters are at Sirigere in the Chitaldrug Taluk. There seem to be points of acute difference between these two Mathis and their disciples but it is unnecessary to enter

into these matters. It is sufficient for our purposes to recognize that there is such contention. The Banajagar Lingayets appear to be numerically large among the devotees of the temple while the Sadar Lingayates are some what in a minority.

The whole difficulty hinges upon the attempt of the majority to force their Ayya on the minority. A large number of witnesses have been examined on both sides about the presence of the Ayya at worship and other functions at the temple and as might be expected all the witnesses on the Banajigar side support the Banajigar case and all the witnesses on the other side support the contrary allegation.

So for as the pujas and ootsavams of the temple go it seems to me that no case has been made out that the presence of any Ayya is at all necessary, much less that the Banajigar Ayya should be officiate at any of the functions. It is admitted that people of all castes are devotees of the temple and offer vows there and take the God in procession to their houses &c. I consider it the best course to direct that no Ayya should have any thing to do with the affairs of the temple. There is precedent for this course. About 1899 there were disputes in regard to Kalleswara Temple at Kalledevarapura in the Jagalur Taluk

Taluk where two factions of Lingayets supported the claims of their respective Ayyas and it was finally directed by the District Magistrate that the Ayya of neither party was to have a seat on the car and that the Ayyas of both parties were to be excluded from processions and so on.

This arrangement was also approved by the Government in the Mungrai department Vide endorsement granted to Gogera Kallappa and others No 812 dated 29th October 1902. It is understood that since this arrangement was ordered, there has been no trouble in that temple. I therefore think that the decision to exclude all Ayyas whatsoever from interference in the temple or in the processions connected with the temple is a most salutary, satisfactory and necessary arrangement.

This will be given effect to forthwith. This arrangement will permit of all devotees of the Temple discharging their vows, taking the God in procession as according to usage with only the Pujari officiating at such functions.

Finally as regards arrangements for managing the affairs of the temple, it is necessary that the Dharmadarsee should be reconstituted suitably, they should be required to keep regular accounts of all receipts and expenditure, that

bon, that jewels and other articles required for constant use only should be kept in the custody of the pujari or dharmadarsees, proper security being taken therefor and that the rest of the property should be kept in custody of Government.

Any moneys lent out should be recovered and suitably invested. The Sub division officer will be requested to take steps in this matter.

Camp Mysore
15 June 1916

(sd) G S. Balasundramiyer
deputy Commissioner.

Compd.

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Asst Commr
Devanagere Taldu

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Copy ready on 30 6 16
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No. of words. 1273.
Fees. 1-10-0
Comparing fees. 0-4-4
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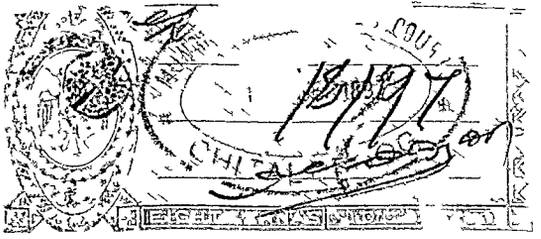


3

16/9/97

In the Court of the Chief Secretary

Thursday the

Present- B Crewe Esq. Assistant Secretary

O.S. No 135 of 1884

and Original No. 871

Plaintiff
Nagatha
Mrp.
Nagatha

vs

Defendants
1. Ramadiah
2 Pamattabba
3 Basiah
4 Dania
5. Siddanagatha

Judgment-

This is an action brought to establish the Plff's right to the worship of a certain idol at a certain car ceremony -

(2) for possession of the idol by removing the locks put by the Defts on the door of the temple in which the idol is and

(3) to recover Rs. 20 as damages sustained by the Plff in consequence of the Defts' interference of the Plff's said right of worship -

2. The plaint is as follows

From the time of his elders the Plff has been the worshipper of Kallaydawara idol at Godagoda-banalu village and as such is entitled to receive the fees paid or presents (Dawniday) made therefore at the annual ceremony of the said deity held on the full moon day Chytra on the 10th April 1884 - corresponding with the full moon day of Chytra month in the current year. During while the Plff was about to get a "Kankaria" (sacred thread with betel & kandahonyle) tied to the hands of the idol by the Dya or head priest in the village according to the custom existing from time immemorial which was the ceremony —

ceremony preliminary to the performance of the annual car procession due for the current year, the 1st Defdt alleging himself to be the "Iya" entitled to perform the Idaikkaa tying ceremony instigated the other defdts & they drove away the Pltffs & the "Iya" of the village from the said temple, and then the 1st defdt tied "Idaikkaa" to the idol & did the worship performed by another person called Eeriah - The defts put a lock also on the door of the temple and denied the Pltffs right to the offices of the said worship - Hence the suit - The cause of action arose on the 10th April 1970 -

3 The defts filed a written statement denying the Pltffs right to the worship and pleaded that Pltffs 2 to 5 were Compet-

dismiss the worshippers
of the idol that Pfoff was
appointed a worshippers
by the villagers, and as such
he was doing the works, that
the right of performing the
Carkeremony, and all other
worships of the idol was
vested in the Deptt. that no
fees or presents were due
to Pfoff for the worship, that the
votaries of the diety, residing in
the village were disciples
of Sirinjary Guru, that Pfoff was
the disciple of Durgi Guru,
that it has always been
usual for the 1st Deft. as "Gya"
of Sirigary Guru to perform
the Kankana tying ceremony,
that Pfoff resigned his office on
the ground that if he performed
the Kankana tying ceremony
of the idol which was performa-
-ble by the 1st Deft. Pfoff

8 years

[illegible] would excommunicate him, that ever since Plff gave up the office, the villagers have been getting the worship performed by others, that the "Iya" of Bungi knew never performing the worship and that the suit was malicious.

4. The suit came on for settlement of issues on the 9th July 1884 - the Plff by Wm. Seshagiri Row & the Defts by Mr. Chenniah and Co.

5. The following issues were raised

(1) Has Plff the exclusive right of performing the worship of the deity referred to in the plaint of which the car ceremony forms a part?

(2). Did the defts invade the said right of the Plff to worship the said idol?

(3) If so what is the (proper) measure of damages to which Plff is entitled.

6. The suit came on for final hearing on the 4th 5th & 26th July

7 The Plff examined 18 witnesses filed two Exhibits - Viz:

(A.) Inam title deeds referring to the temple lands

(B.) - Patta for the suit land

8. Defts examined 12 witnesses and filed no Exhibits.

9. I find the first issue in the affirmative - From the admissions made by the 2nd & 5th Defts in their evidence as Plff's witnesses & from the evidence of the Plff & his other witnesses & from the fact that Plff has been in the undisturbed enjoyment of the temple Inam land referred to in the Exhs A & B. from the time of his father it has been satisfactorily proved that Plff & his father held the office of worship of Mallaiswara vidal and enjoyed the Inam & other gains pertaining to such office for the last 30 years & more. Some of the witnesses

witnesses say, for instance Plff's 13th witness who is 84 years old and his 4th witness who has been a Patail for the last 40 years, that ever since they attained majority the office of worship of Kallaswara in question, has been undisputedly held by the Plff's grandfather, father and Plff himself. This shows that the office has been hereditary for the last half century & has been enjoyed as such. Defts 2 & 5 admit & the other defts do not deny that for the last 30 years at least the office in question together with its Inam land and other perquisites have been held & enjoyed by the Plff & his forefathers exclusively. This heritage was transferred to the Plff by succession.

10. Plff's witnesses many of whom appear to me to be disinterested men who have given their evidence satisfactorily

and behaved well in Court
that the office is hereditary
& that the incumbent cannot
be removed by villagers of
whom the defts are few - the defts
witnesses say that the villagers
can remove him but - I reject
their evidence as ~~untrustworthy~~ unworthy
of credit for reasons which
I shall presently state - Defts
do not even allege any misconduct
on the Plffs part such as might
justify his removal from the
office which has been attached
to the Plffs family for nearly
half a century - The ceremony
referred to and the worship
performable on that occasion
& on occasions of the preliminary
ceremonies of which the tying
of Kankana (bangles with
thread dipped in turmeric mixed
with water & wrapped up with
betel leaves) to the idol on the
date given by the parties was
admittedly one, appear to have
formed part of the Plffs duty

the plff's duty as a worshipper.
The admissions of the parties
& the statements of the witnesses
generally on both sides favor
this view. The facts are enough
therefore to find on the 1st
issue that- plff has the exclu-
-sive right of performing the
worship of the Mallawara
idol at- Godahanal Village
on all ordinary & special
occasions including the
Car procession & its prelim-
-inary ceremonies referred
to in the plaint.

11 I come now to the 2nd issue
The 2nd admits that the Villagers
never performed the car—
procession referred to in
the plaint without the plff,
the worshipper. The other defts
do not deny this fact. The defts
& their witnesses admit virtually
that defts interfered with
the worship by plff on the
occasion specified in the plaint
but by way of justification

that Ulloo was required to
worship the idol on the occasion
of the 1st dept- tying "Kankana"
to the idol as a ceremony
preliminary to a forming
part of the car procession
which was to take place
on the full moon day of Chytra
of the current year corres-
-ponding with 9th or 10th April 84.
that he refused to worship
it on the ground that if
he did worship it- his (Ulloo)
head priest called "Iya"
who belonged to a matt
different already stated.
The testimony of the defence
witnesses is discrepant on the
material points, improbable
& inconsistent. Some say that
four days before the beginning
of the ceremonies connected
with the car-procession
there was an arbitration
in the course of which Ulloo
resigned

resigned his office and handed over to a certain person, the jewels of idol & the worshipping utensils & others say that it was after the tying of Kankana" by the it- deft- on the 9th April. at least- on the following day that the rehibitation took place and that it was then that plff resigned his office. Again while the 7th 25th witnesses state that- 1st deft- tied Kankana after plff resigned his office, the 11th & 12th witnesses say that- on the 10th In. D. of Chytra when defts went to perform the Kankana ceremony plff resigned the office. While it is clear from the admissions made by the parties that- the date of tying Kankana was the full moonday (10th April) some of the witnesses say that the date was 10th In. D.

do 5 days before the 10th
This is one of the glaring inconsistencies.

13. The 2nd Deft admits in his examination in chief that one Poojari Eshaya had been brought by him on the night of the 10th April in order to get the Kankana tied to the hands of the idol but that he refused to perform the Kankana tying Ceremony If 1st Deft was in the habit of tying it & if he was the proper person to do so, there was no occasion to bring the said Eshaya. If 1st Deft had tied the "Kankana" in the previous year, & if that was the real custom - there would have been no "cause for the quarrel & even if there was any, the Defts who were anxious to perform the car procession without the pi it would not have remained satisfied with the simple

I am sure of not performing the main ceremony — the car procession It is admitted that no car procession took this year after 1st Deft tied Ramkanna — Almost all the defence witnesses are the disciples of the 1st Deft many of them are related to the Defts closely or distantly some of them are men of Defts class — There appears to be some sort of Combination among them against the Plff who belongs to a different class and Exhibit 2nd Deft is related to 1st & 3 Defts by marriage — It is in evidence that for the last 4 or 5 years the 2nd Deft has been the disciples of Sivagami Mutt of which the 1st Deft is said to be the Jya a Deft is said to be the head priest but before that he was a disciple of the Mutt to which Plff belongs belongs and that through his [illegible]

Sum awardable as damages according to the evidence of Plff witnesses the ordinary gains of Plff at the time of the car procession were about 5 or 6 Rs. I assess the damages accordingly.

16. The result of the findings on the issues is that there will be a decree against the defts declaring the Plff's right to the worship of the idol of Kallaswaraswal-Godaluwal a special occasions including the occasions of lifting "Kavitana" and 'Car' processions referred to in the plaint; and adjudging that Plff should be put in possession of the said idol by removing the lock put by defts on the door of the temple and that he should recover from defts Rs 6 as damages and also the costs in the cause.

Dated Saturday the 30th August 1884.

(Signed) B. Seemeiaspulle
Munsiff

Rs 6

Delivered in Court on the 1st
September 1884 —

1-9-94 } Sd) B. Leeuwenkamp
Interpreter

2.5.10
Copies 2-7—
Extra " 8-8
P.C. - 2-3
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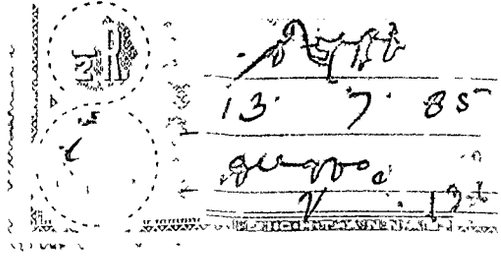
"Copy"
B. Leeuwenkamp
Head Interpreter

Date of application 16-8-97
Ready — 30-8-97.
delivered — 1-9-97.



Ext III proj. Dy. C. No 80 Talk Mag. Ext.

In the Court of Chidambaram Munsiff
Dated the 13th July 1885
Present S. Seshagiri Rao Esquire Jr.

Plaintiff. Karuppiah

Defendant Andanaya son of Muthaya father

Judgment

This is a suit brought to establish plaintiff's right to perform the ceremony of tying Kankana to the idol called Kalliaswara on the occasion of the annual Car procession at Godabanai village, (2) to obtain a perpetual injunction restraining the Defendants from interfering with the performance of such ceremony by plaintiff, - and (3) to recover from Defendants Rs 50 as damages sustained by plaintiff in consequence of the Defendants invasion of plaintiff's said right

The plaint is as follows:-

plaintiff inherited from his ancestors the right of tying Kankana to the idol Kalliaswara on the first day of the Car procession in the

B.V.

being sent to temple by one Parwathiah Devotees used to give cloth to plaintiff as a present on that occasion. Owing to disputes between the parties no Kankana was tied last year and no Car procession took place. Subsequently on the 9th March 1885 Defendants defeated the plaintiff's right by tying Kankana and performing the last year's car procession. This act of the Defendants injured the plaintiffs' right and reputation and caused loss. On plaintiff complaining to the Talook Magistrate, that Officer referred him to a civil suit. The cause of action arose on the 9th March 1885 Hence the suit.

Defendants pleaded that plaintiff had no right to perform the ceremony in question, that such right belonged to the Defendants; that it was determined in a former suit by this Court that the present suit referred to the same subject matter, and that the subject of this suit was not cognizable by a civil Court as being one of ritual observance and that plaintiff sustained no loss.

The suit came on for settlement of issues on the 26th May 1885.

plaintiff was represented by Lentchevi-naranapa, Defendants by Sashagir Row.

D. V.

Has the plaintiff the right of performing the Kankana tying ceremony to the idol Kallaiswara at the annual car procession?

2. Did the Defendants invade such right of the plaintiff, and if so what is the measure of damages?

3 Is the suit sustainable as it stands viewing it as one in respect of ritual observance?

The suit came on for finial hearing on the 1st 2nd and 4th July 1885.

The parties were represented as before. Plaintiff examined 13 witnesses and filed the depositions of certain witnesses in O.S. No 135 of 1884, on this courts file marked from A to E. Defendants examined 16 witnesses and filed the following exhibits, viz.

No I Copy of this courts judgment in O.S No 135 of 1884.

No 2. Copy of the Chief Courts judgment on appeal

No. 3 Proceedings of the Taloor Magistrate in Miscellanious case No. 13 of his court

1st issue — plaintiff's witnesses say that till his father and brother were alive they performed the Kankana tying ceremony in question, that since their death plaintiff has been performing it and receiving the cloths presented on

B. V.

witnesses say that plaintiff or his father or brother never performed the ceremony, that Defendants have been performing it always, that 2nd Defendants father used to perform it till he died, that plaintiff attempted to perform it for the first time last year, that at an arbitration he admitted that fact, and that no cloth presents were ever made to any person at the ceremony. After carefully reviewing the evidence on both sides, I am inclined to say that I believe the evidence for defence, for (1) some of the Defendants' witnesses are aged men and almost all of them are residents of Godabanal. Many of them are the temple servants, while others are devoted to the God Kallaiswara as being their family god. (2) It is admitted by plaintiff and his witnesses that plaintiff has no mutt, house or land as "Iya" or head priest at Godabanal village, while it is proved and admitted that Defendants have them in that village, and that stones have been fixed around the mutt and land called "Matamudray Kalloo" in proof of Defendants being the "Iyas" of Godabanal

(3) Defendants have been in possession of the jewels and other articles of the idol from the beginning and they have been managing or superintending the affairs of the temple.

D.V.

the ceremony in question, and if his ancestors were performing it there would have been no cause for a quarrel last year in respect of the performance of such ceremony.

(5) plaintiff appears to have admitted at an arbitration that he attempted to perform the ceremony last year for the first time

(6) The 1st witness for plaintiff is related to him by marriage. It has been shown that ever since this marriage there has been a combination between them as against the Defendants and their disciples in order to assert the plaintiff's so called right to perform the Kankana tying ceremony, that previous to such marriage plaintiff did not assert or exercise such ri and that the present suit is the out-come of such combination.

(7) It is admitted by the plaintiffs witnesses that Defendants used to be present at the performance of the ceremony in question.

My reasons for disbelieving the evidence for plaintiff are briefly these.

(a) Most of the witnesses who say they saw the plaintiff perform the Kankana tying ceremony at Godabanal are not residents of that village Their family God was not admitted by Kallaiswara of Godabanal and their

B.V.

village often & witnessing the ceremony
(b) While some of them admit that they do not often go and see the performance of Kaukana tying ceremony to their own family God and that they do not know who ties it to such god, they want the Court to believe that they know all about a God which is not their family God and that they saw the ceremony in question.
(c) The admissions by the witnesses that they do not know the processions or ceremonies performed after the Kaukana tying ceremony and till the car procession day, go to affect the credibility of their statement.
(d) Many of them are the plaintiff's own disciples and they are closely or remotely related to other and to the plaintiff's 1st witness who appears to be the leader and who I think is in collusion with plaintiff. This 1st witness and plaintiff are relatives.
(e) It is admitted on both sides that an "Iya" or head priest should perform the ceremony. That plaintiff has not been the recognized "Iya" is evident from the fact that he has no mut or land at Godabanal village while Defendants have them there, plaintiff never has any control over the jewels of the idol.

B.V.

the Kankana tying money at the Car procession as alleged, there was no reason why plaintiffs 1st witness and plaintiff should have attempted to get it performed by a stranger called Ceraya as stated in para 13 of my judgment in suit No 135 of 1884

For the foregoing reasons I find the first issue in the negative. The 2nd issue must also be found in the negative.

On the 3rd issue I find that the suit is not sustainable as it stands. plaintiff's pleader contends that it is sustainable on the ground that the right sought to be established carries grains with it in the shape of cloth presents made to the plaintiff. But I can not believe that cloths were ever presented to plaintiff or any other at the performance of the ceremony in question One of the plaintiff's witnesses says he did not see any presents given to plaintiff at the time. All the Defendants witnesses swear that it was not customary to present cloths to any.

The parties belong to 2 different huts and therefore they have formed themselves into 2 factions. On the whole I am of opinion that plaintiff has brought this suit to establish a right which he or his ancestors not possessed of.

B.V.

I shall dismiss the suit with costs.

Delivered in Court.

(Signed) B. Srinivasa Rao

Munsiff.

(True Copy.)

B. Venkataiah, Head Munshi

Date of application 13-7-85

Date of Ready = 16-7-85

Date of Delivered on the 20-7-85

B. Venkataiah

No. of words = 1420 = 1-6-6

Comparing fee = 0-5-0

1-11-6

IV pro - by 2nd case
(R. E. No 80 of 91-2. IV Mysore C.C.
2nd R. 1891 Opn.

In the Chief Court of Mysore at Bangalore

Present -

The Hon'ble R. A. Thumboo Chetty Esquire Judge

and

The Hon'ble A. Ramachandra Iyer Esquire Judge

Appeal No. 236 of 1885.

Kawdiah — Appellant

1 Andanappah
2 Murgappah — Respondents

Appeal from the decree of the Court of the Munsiff of Chitaldroog dated the 13th day of July 1885.

Memorandum of Appeal

Kawdiah ——— Plaintiff

1 Andanappah
2 Murgappah — Defendants

Appellant Kawdiah above named appeals to the Chief Court of Mysore against the decree of the Munsiff of Chitaldroog in Original Suit No. 77 of 1885 dated the 13th day of July 1885;

for the following reasons, namely.

I. That the Munsiff erred in holding that the suit was not maintainable.

II That the Plaintiff has clearly proved that he was the man to the "Kankanai at the time of seizure.

III. The Munsiff's decision is against the weight of evidence and probabilities of the case.

On the passing of Judgment in this Appeal in the presence of Mr. Venkataramayya. Advocate for the Appellant, and Mr. L.

It is ordered and decreed that the decree of the Munsiff of Chittaldroog be and the same is hereby affirmed and this appeal dismissed.

And it is further order and decreed that the Plaintiff Kavdiah aforesaid do pay to the Defendants Andanappah & Murugappah aforesaid the sum of Rupees 16— in ——— being the amount of costs incurred by the Defendants aforesaid in this Court with interest thereon at 6 per cent per annum from this date until the date of realization

(L.S.) Given under our hands

hands and seal this 20th day of November 1885

(Signed) R.A. Thumboo Chetty

(Signed) A. Ramachandra Iyer

Judges.

Memorandum of Costs incurred in this Appeal

| | By the Appellant Plaintiff | | | By the Respondent Defendant | | |
|---|---|---|---|---|---|---|
| Court Fee on Memo of Appeal | 23 | 12 | " | " | " | " |
| Power of Attorney | 2 | " | " | 2 | " | " |
| Processes | 1 | 8 | " | " | " | " |
| Copyies of Decree & Judgment | 1 | 9 | " | " | " | " |
| ~~Advocate's Fee~~ | 16 | " | " | 18 | " | " |
| Fees for copying or Translating | 1 | 15 | " | " | " | " |
| Cost of adjournment | " | " | " | " | " | " |
| Total Rupees | 46 | 12 | " | 18 | " | " |

(signed) T.R.A. Thumboo Chetty

(signed) A. Ramachandra Iyer

Judges.

Copy applied for 7 — 12 — 85

Ready for delivery 8 — 12 — 85

delivered to Doraiswamy Row

11. 12. 85

No Awards 3.00

Amount 0—4—6

Received payment four annas & six pies only

Examiner's Fee 0—1—

Examined Sd

Attested upon Oath

Sd by Applt

V.S./9 Summarise

2485

G.R.S. 26]

SUBJECT.....

Diary No. of letter replied to 400

Section Revenue

File No. 16-C/16-

Serial No. 2

General and Revenue Secretariat

( )

, the 191

No. 776 Enc 6

Date of issue 27. 9. 1916

To The Dy Commr,
Chitaldrug Divn

Signed by M.C. Aravamudrengar

Sir,

I am directed to forward herewith petition registered no. 400 dy 28 August 1916, with its enclosures, from Mahade and two others of Nanay at in the Holkere Taluk appealing against the Dy Commrs. order relating the right to Mirasi at the procession of Nanay

---

otherwise known as Siddeswara
idol at Namagiri, and to
request ~~that as the case~~
~~has to be posted for hearing~~
~~during the first week of~~
~~November next,~~ that a detailed
report ~~on the petition~~
together with the entire
vernacular record ~~in the~~
~~subject~~ bearing on the
subject may be submitted
so as to reach this office
not later than the ~~18th proximo~~ 25th October 1916

I have &c
Sd/-
25-9-16
for Secretary

ASB)
am
25/9/16

*List of enclosures.*

*Copied by*

*Examined by*

GPB—20,000—14 2 11

S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

No. 777
Mins 160-16-2
Dy 27. 9. 916.

~~Nadadevappa and two~~
Others of Hanagini in the
~~Holalkere Taluq are informed~~
with ref. to their appeal
petition registered no. 400 Dy
in the matter
28th August 1916 ~~above the~~
of the appeal to provide during
procession of Nanjundesvara
also known as Siddeswara
idol at Nanagini that
~~a report~~ in the records
has been called for from the
Dy. Commr and that
As the petitn.
Hon. order as prayed
for ~~case~~ be granted

B-O.
21/9/16

Nadadevappa and others of Nanagini are informed.

2 date of hearing will be intimated in due course and that ~~there is~~ no sufficient reason ~~stated~~ for deciding the case after Dr comes ~~sooner~~ in the meanwhile

Asst for Secl. Secretary.
25/9/16

On C. No 147 Mus 9/16-17

Office of the Deputy Commissioner
Chitaldrug District
Dated Camp Bangalore 18th October 16

GEN. & REV. DEPT.
19 OCT 1916

DIARY No. 633

16 a 17
Mus 160-16

From C. S. Balasundaram Iyer Esquire. B.A
Deputy Commissioner
Chitaldrug District

To D. M. Narasinga Rao, Esquire B.A. B.L
Secretary to Government of
H. H. the Maharaja of Mysore
General Department,
Bangalore

Sir,

With reference to your letter No 776 Mus 160-16-2 dated the 27th September 1916 forwarding for report with connected records, petition registered No 400 dated 28th August 1916 with its enclosures from Mahadevappa and others of Emmadi in the Molakalmuru, praying that the office order No. 1641 dated 15th may in the matter of the restoration of the Nanneruru also to ...

at Ramagiri in the Hindupur Taluk, I have the honor to submit herewith the connected records ending with report No. 136 dated 7th October from the Amildar of Hindupur Taluk relating to the case and to state that the facts of the case are fully set forth in my order of the 15th June 16 now appealed from, which is in the appeal records.

Further, I beg to invite reference to this office R.P. No. 30 ... dated 29th August 1916 with which a copy of the order now appealed against has already been submitted to Government in connection with a similar petition and vide your No. 522/M3/13-11-2 dated 21st August 1916.

The enclosures received with your letter are returned herewith.

I have the honor to be,
Sir,
Your most obedient servant,
C. Balasundaram
Deputy Commissioner
Cuddapah

GEN. & REV. SECRETARY
VII
MUTHA
21 FEB 1917

GEN. & REV. SEC.
VII
28 FEB 1917

సం... 1446
16 17

తిరిగి నం 4
16-17 160 16
4

లుప్త కుమారు ఖండాంతర్ బ్రహ్మ శ్రీ డివండ్ ఐరు స్థానం ఇది
రవరక్షోభ్య మేం ఇంద్రు ఖోక్ర లతి లయం ఇది లయం
ఇల్ లుంద్ర చిత్రం ఇది

పిల్లల కోరి కొళ్ళి రాం లయ సి పిల్లలబ్బి రాం లయం సి. కొళ్ళి స్థానం లయ ఎల్లాం ఇది గళ్ళ.
పిర ఇం లయక. నాని ఇర్ధ్వ గదల్లి నాళ్ళు లయం వన్నె లేం లయ ఇది సి. సం. గళ్ళి లయం లయం లయం
ప లశ్శాళ్ళి. నం ఇలం ర యళ్ళి నం ఇలి లయం లయం లయం

నళ్ళ గళ్ళి కొలు ళ్ళి శ్రీ లయం రాం లయం ఇది. ఇలి ళ్ళి బల్ల లయం రాం లయం లయం

ర. లిలి లాం లయం లయం లయం ఇది లయం లయం లయం లయం లయం ళ్ళి లయం లయం లయం

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ಕೆಲವು ಕಂಪನಿಗಳು ಹೊಂದಿರುವ ಪರಿಸರ ಪರಿಣಾಮಗಳು ಕೆಲವು ಸಾರಿ ಬಹಳ ಗಂಭೀರವಾಗಿರುತ್ತವೆ. ಇಂತಹ ಕಂಪನಿಗಳಲ್ಲಿ ನೀರಿನ ಮಾಲಿನ್ಯ ಮಾಡುವ ಕಾರ್ಖಾನೆಗಳು ಮುಖ್ಯವಾಗಿರುತ್ತವೆ. ಇವುಗಳಿಂದ ಹೊರಬರುವ ತ್ಯಾಜ್ಯ ವಸ್ತುಗಳು ಹತ್ತಿರದ ನದಿ, ಕೆರೆ, ಹಳ್ಳಗಳಿಗೆ ಸೇರಿ ಅಲ್ಲಿನ ನೀರನ್ನು ಕಲುಷಿತಗೊಳಿಸುತ್ತವೆ. ಇಂತಹ ಕಾರ್ಖಾನೆಗಳಿಂದ ಹೊರಬರುವ ಕಲುಷಿತ ನೀರಿನಿಂದ ಅಲ್ಲಿನ ಜಲಚರಗಳು ಸಾಯುವುದಲ್ಲದೆ ಅಂತರ್ಜಲವೂ ಕಲುಷಿತಗೊಳ್ಳುತ್ತದೆ. ಇಂತಹ ಕಲುಷಿತ ನೀರನ್ನು ಕುಡಿದ ಜನ ಜಾನುವಾರು

(G.R. S. 27]

GEN. REV. SECRETARIAT.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

D. M. Ramachandra Rao,
Advr. for the appellants,

Mr M. G. Varadachar,
Advr. for the respdents,

Offl. memo.

No 2031-2 Dt 9. 2. 1917.

× × ×

is informed that the adjourned hearing of the case relating to the Puja and other matters connected with Siddapura Devasthanam at Ramagiri, is posted to the 2nd March 1917 and that the case will be taken up at 12 noon that day.

By O.

9.2.17

Dy Secretary.

DR

Mr VII
Please in
time hear
16.2.17

DIARY No. 1371

16 17
MUZ

Before the Government of His Highness
the Maharajah of Mysore, Muzrai Dept

---

In regard to the appeal Connected
with Puja and other matters relating to Sabbaswara
Devaru at Ramajire

---

On behalf of the appellants, I beg to represent
as follows: —

1. That I have received notice from this Court
that the above appeal is posted to the 2nd
March 1917 for hearing.

2. That I beg respectfully to represent that on
account of the Summer vacation beginning early
this year, Summer Sessions will begin on the
2nd March and as I am the Public Prosecutor,
I have to attend the Sessions on that date and
I regret I cannot argue the appeal.

3. That I respectfully therefore pray that
Government will be pleased to take up the
appeal on any day between the 5th and 8th
of March or between the 23rd and 28th
of March or any early day in April, that
is convenient to the Court.

D. Subramaneshwara Rau
Advocate for appellants
Bangalore 16 2/17

# Before the Government of His Highness the Maharaja of Mysore.

---

Appeal No. 4 of 1916-17

---

Appellant. *Vs.* Respondent.

Mahadevappa and two certain others

Sunkasappa and certain others.

Subject.

Appeal against the order no. 1641 dated 15th June 1916 of the Dy Commissioner, Chitaldrug Dist., excluding the Ayyas (either Banajegaru participation and Sadaru) from interference in the worship at the Temple of Rameswara otherwise known as Siddeswara at Ramagiri in the Holalkere Taluk and in the processions connected with the institution

Decision

The case was heard on 13th July 1917, the

GPB—500—12-8-12

were present in person, and
the contending parties were
represented through their
Advocates.

This case is on all fours
with that of the Basavanna's
Temple of Hadikere Village
in Tarikere Taluk decided
by Court in order no. 4097/
Mus 7 32-01 dated 24th
June 1904 and re-affirmed
in 1906 and 1910 If the arrange-
ment approved in that order
should have been found to be
working without any hitch
in that Temple, there is
no reason why a similar
arrangement cannot be
expected to work in the case
of the Temple in question
also equally well.

It may not be difficult
for the local authorities
to so arrange the occasions
on which each party wishes
to bring its own Ayya
that all chances of a
collision between the two

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

may be minimised as far as possible, if not altogether avoided. It does not seem either reasonable or equitable that because one party objects to the presence of the Ayya of another, that both of them should be deprived of the benefit of what appears to be a long standing custom. This does not however mean that the management and the conduct of the worship will be under the control of any one other than the Temple Servants and the Dharmadarsis duly nominated by Govt.

With these observations, the appeal is allowed

No. 1135 Encl. file (Secret Memo no. 4).
Mus 160-16-6
Sefas 1 & 3 by regd post)
Dy 16. ii. (31)

Copy to the

2185 No 1136 Dy 16th March 1917
Jud 160-16-5

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Place a fair draft with file

9.11.17

Endorsement granted to Mahadevappa and two other Dharmadassis of the Temple of Sambhuvara otherwise known as Siddeswara idol at Ramagiri in the Holalkere Taluk with reference to their petition regd. no 400 of 28th August 1916 appealing against the Dy Comrs. order excluding Agya's from interference in the proceedings connected with the instn

The said appellants are informed that their appeal is allowed ~~with certain observations~~.

B

9.11.17

Govt Secy

Copy of order

9.11.17

To the extent that both the parties may bring their cases and that the local authorities must arrange the time and occasions so as to obviate all conflicts but that the management and control generally shall remain with the Trustees of the temple except Dharmadarsis appointed by Govt.

The observations that (1) the local authorities will so arrange the occasions on which each party wishes to bring its own Agya that all chances of a collision between the two parties may be minimised as far as possible if not altogether avoided and (2) that it is only the temple servants and duly constituted Dharmadarsis that can in anyway control the management and conduct of the worship.

DOR No 1137 Dy 16.11.1917

9/11/17

above is forwarded to Respondent-
Hanchappa and certain
others.

D.S.O.

9.11.17

D(x) Joint Hindu Society

9/11/17

G.P.B.—20,000—16-2-14

W D 2584—GPB—2,000—7-4-16

# Before the Government of His Highness the Maharaja of Mysore.

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*APPEAL No.* 4 *OF* 1916-17

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APPELLANT.

Mahadevappa and two others.

RESPONDENT.

Gurubasappa and certain others.

SUBJECT.

Appeal against order No.1641 dated 15th June 1916 of the Deputy Commissioner, Chitaldrug District, excluding Ayyas (both Banajigar and Sadar) from participation in the worship at the temple of Rameswara otherwise known as Siddeswara at Ramagiri in the Holalkere Taluk and in the processions connected with the institution.

- - - - - -

Decision.

The case was heard on 13th July 1917. The respondents were present in person, and both the contending parties were represented through their Advocates.

This case is on all fours with that of the Basavanna's temple of Hadikere Village in Turikere Taluk decided by Government in order No.4007/Muz.F.38-01 dated 24th June 1904 and re-affirmed in 1906 & 1910. If the arrangement approved in that order should be found to be working without any hitch in that temple, there is no reason why a similar arrangement cannot be expected to work in the case of the temple in question also equally well.

It may not be difficult for the local authorities to so arrange the occasions on which each party wishes to bring its own Ayya that all chances of a collision between the two may be minimised as far as possible, if not altogether avoided. It does not seem either reasonable or equitable that because one party objects to the presence of the Ayya of another, that both of them should be deprived of the benefit of what appears to be a long standing custom. This does not however mean that the management and the conduct of the worship will be under the control of any one other than the temple servants and the Dharmakarsis duly nominated by Government. With these observations, the appeal is allowed.

- - - - - - - - - - -

GKV.3